



**TOWN OF TEWKSBURY
CONSERVATION COMMISSION
999 Whipple Road
Tewksbury, MA 01876**

Stanley Folta, Chairman
Anthony Ippolito, Vice-Chair
Sean Czarniecki, Clerk
Stephen Deackoff
Dennis Sheehan

**Meeting Minutes
June 19, 2013**

The meeting was called to order at 7:00 PM at the Tewksbury Town Hall by Stanley Folta, Chairman. Present at the meeting were Anthony Ippolito, Stephen Deackoff, and Dennis Sheehan. Also in attendance was Kyle Boyd, Conservation Agent. Sean Czarniecki was not in attendance.

Approval of Meeting Minutes – June 12, 2013

Mr. Folta suggested tabling the approval of the June 12, 2013 meeting minutes as the clerk was not present.

MOTION: Mr. Ippolito made the motion to table the approval the June 12, 2013 meeting minutes; seconded by Mr. Sheehan and the motion carried 4-0.

A) Notice of Intent, Marc Ginsburg and Sons, 737 Livingston Street, Map 76, Lot 23, DEP #305-952

Present were Jim Hanley of Civil Design Consultants, Stephen Erickson of Norse Environmental Services, and Marc Ginsburg. Mr. Folta requested a brief explanation of the project be provided as some of the members were not present at the previous hearing.

Mr. Hanley explained the project was filed with the Planning Board under the OSRD regulation which allows for smaller lots and less frontage in exchange for open space. There are approximately 6.5 acres and half of the lot will be open space. The subdivision will consist of 4 lots; one of which is an existing home. Some of the resource areas on site consist of a BVW and a river (Marshall Brook). Mr. Hanley noted that they are proposing to restore a significant amount of area within the 200 foot riverfront area as part of mitigation for impacting some areas within the river front area. The storm water management system has been designed to comply with the DEP regulations. Mr. Hanley noted that they have been before the Planning Board and Conservation Commission and have received a number of review letters from the town's consultants as well as DEP; they are currently in the process of addressing these items.

Mr. Folta asked if the applicant is in receipt of Mr. Manuell's letter dated June 19, 2013. Mr. Erickson confirmed this and reviewed some of the items contained in the letter. Mr. Erickson noted that the mitigation figures have been provided including the additional mitigation of saving 148,000 square feet of river front that will be deeded to the Conservation Commission

Commission. Mr. Erickson noted that Mr. Hanley has prepared an alternative analysis and provided copies of this to the members. As part of the alternative analysis, they considered purchasing 731 Livingston Street to see if was beneficial. Mr. Erickson explained that if the home was purchased, a number of problems would arise; the home is old and is a nonconforming preexisting lot. If the property lines are changed, it would make the lot even more nonconforming. Another option would be to make the home part of the OSRD and in which case it would have a smaller lot and would not fit in with the esthetics of the rest of the development. In addition, it would move the roadway over and would increase the amount of impermeable area. It is Mr. Erickson's opinion that this would be more detrimental and they do not see it as a viable option. Mr. Erickson noted that the riverfront regulations are the only part of the regulations that allow for the financial impact to be considered.

Mr. Deackoff noted that he has not yet had the opportunity to read the recent review letters as they were just received. Mr. Deackoff asked if there will be sidewalks. Mr. Ginsburg explained that they are trying to get more involved with the low impact developments and given where the sidewalks did not lead to anywhere else, it made more sense to remove them and pay the town in lieu. Mr. Deackoff asked if there are catch basins. Mr. Ginsburg confirmed this and noted that at the previous meeting Mr. Czarniecki requested the outlet structure be moved outside of the 25 foot buffer and this has been done. As a result, everything is now outside the 50 foot buffer. The detention basin has also been made larger based on the consultant's comments.

Mr. Hanley noted that at the previous meeting it was requested that the roadway be moved over. They have reviewed this and have shifted the roadway 5 feet further away.

Mr. Sheehan asked how wide the road will be. Mr. Ginsburg explained that it is currently 24 feet, but is under review with the DEP to go down to 22 feet. Discussion took place on the island in the circle. Mr. Ginsburg explained that since the town will be taking the road over and future maintenance may be an issue the diameter of the circle was reduced.

Mr. Folta requested the applicant address the Zone 2 issue mentioned by the State. Mr. Erickson explained that they are in a Zone 2 and they have met all the criteria of this.

Mr. Folta opened the hearing to the public and no one came forward.

Mr. Deackoff suggested continuing this matter as they are still waiting for final review letters and plans. Mr. Ginsburg explained that he does not believe that Mr. Manuell will be doing another letter and the Planning Board has closed their public hearing portion. Mr. Folta noted that he spoke with Mr. Manuell today and he informed him that he is satisfied and that it is up to the Commission to make the determination. Mr. Ginsburg requested making any approval conditional upon the review the final plans. Mr. Deackoff noted that there was a great deal of information submitted this evening that he has not yet had the opportunity to review.

MOTION: Mr. Ippolito made the motion to close the public hearing portion; seconded by Mr. Sheehan and the motion carried 3-0-1. Mr. Deackoff did not take part in this vote.

MOTION: Mr. Folta made the motion to issue a Standard Order of Conditions, Marc Ginsburg and Sons, 737 Livingston Street, Map 76, Lot 23, DEP #305-952; the project shall be reviewed by Mr. Manuell, all letters and definitive site plans shall be in place; seconded by Mr. Sheehan and the motion carried 3-0-1. Mr. Deackoff did not take part in this vote.

B) Request for Determination of Applicability, Bay Circuit Trail, Off Pinnacle Street

Present was Susan Millman of 107 Tyler Road, Tewksbury. Ms. Millman explained that she is present to seek approval to construct a boardwalk on State property that runs between Pinnacle Street and East Street. Mr. Folta asked who will be doing the construction. Ms. Millman explained a group of volunteers would be put together by Bay Circuit Trail. Mr. Folta asked who will be monitoring the project. Ms. Millman noted that the Commission could do this should they choose. Mr. Folta asked if there is a definitive plan for the wetland crossings. Ms. Millman explained that she was unable to obtain photographs as the area has overgrown due to recent weather. Mr. Folta asked if there is another path that could be taken rather than crossing the wetlands. Ms. Millman explained that they feel this is the path with least resistance. Mr. Folta asked if the building department has reviewed the plans as this would be considered a structure. Ms. Millman explained that she has not and it is not a structure in the sense that it is not in the ground; it would sit on piping. Ms. Millman explained that all of the pieces will be precut off site and then assembled on site section by section. Most of the pieces will be walked in rather than driven in.

Mr. Deackoff noted that the liability is being taken by the Tewksbury State Hospital as it is their land. Mr. Folta noted that because the Commission is making a decision on the project it could cause some further liability.

MOTION: Mr. Deackoff made the motion for a negative determination, Bay Circuit Trail, Off Pinnacle Street; the conditions included in the narrative shall be followed; seconded by Mr. Ippolito and the motion carried 4-0.

Ms. Jean Walsh of 60 Lynn's Way came forward and requested the opportunity to speak. Ms. Walsh noted that she is concerned with the access and impact of this on her land. Mr. Folta explained that it is on Tewksbury State Hospital land. Ms. Millman explained that the boardwalk would be way into the woods opposite Ms. Walsh's property. Ms. Walsh noted that she is disappointed with the lack of communication on this project. Mr. Boyd invited Ms. Walsh to his office to review the plans.

C) Request for Determination of Applicability, W.L. French Excavating, River Road, Map 15, Lot 7 and 13 (St. Mary's Cemetery)

Present was Melissa Cote of Tighe and Bond Engineering. Ms. Cote explained that W.L. French Excavating has filed a request for determination of applicability with regard to aspects of the proposed St. Mary's Cemetery expansion project. Portions of the perimeter barrier fall within between 95-100 feet of the wetland boundaries. The wetlands were

delineated in December. The proposed expansion project will include bringing materials to the site to grade it so that there is additional area for future cemetery use. Mr. Folta noted that he met with the applicant as well as some other parties regarding this matter and there were no issues with any of the parties present. Mr. Folta requested mats be put in place for the materials that will be brought in.

MOTION: Mr. Deackoff made the motion for a negative determination, W.L. French Excavating, River Road, Map 15, Lot 7 and 13; seconded by Mr. Ippolito and the motion carried 4-0.

D) Request for Certificate of Compliance, Redevelopment Associates, 12 Bell Road, Map 97, Lot 328, DEP #305-947

Present was Stephen Erickson of Norse Environmental Services. Mr. Erickson provided the members with photographs of the area and explained that this is a 9,600 square foot lot that had a lot of debris in the wetland area. The area has been cleared out and is over 75% vegetated and the grass is growing nicely. Mr. Erickson provided a copy of the as-built showing the location of the foundation.

Mr. Folta asked when the project was completed. Mr. Erickson explained that the grass was put down approximately one month ago and they had been waiting for it to grow in a little before filing for the certificate. Mr. Folta requested that, once the grass has gone through a second cutting, the silt fence be cut at ground level and the stakes removed rather than pulling it up and disturbing the area. Mr. Erickson noted that it is a narrow strip that would be disturbed, but they will do whatever the Commission requires.

MOTION: Mr. Folta made the motion to issue a Certificate of Compliance for Redevelopment Associates, 12 Bell Road, Map 97, Lot 328, DEP #305-947; seconded by Mr. Ippolito and the motion carried 4-0.

E) Notice of Intent, Town of Tewksbury, East Street (Railroad tracks to Jill's Way) DEP #305-954

Present was Brian Gilbert, Superintendant of Public Works. Mr. Gilbert explained that they are proposing to reconstruct a portion of East Street from the railroad tracks at Market Basket to just beyond Jill's Way. Mr. Gilbert noted that East Street is the second most travelled road in town and a major commercial truck route. The reconstruction includes some drainage improvements and best management practices designed to address poor drainage and storm water ponding issues that currently exist along the roadway. The poor drainage has undermined the pavement service causing it to deteriorate at an accelerated rate. The following is being proposed within the wetland buffer zone: installation of erosion control measures, reclamation of the existing roadway pavement, drainage improvements, drainage pipe installation, drainage structure construction, and construction of BMP's. The roadway will be raised approximately 6 inches to correct the grading and so the storm water runs to the proposed locations. The roadway will be repaved with 7 inches of asphalt paving. The project is expected to begin sometime in July.

Mr. Folta asked how many linear feet of impact there will be. Mr. Gilbert noted that there are two locations for a total of approximately 1,000 feet.

Mr. Deackoff asked if the road width will be increased and if there will be sidewalks. Mr. Gilbert explained that there will not be sidewalks and the roadway will be constructed so that it is consistent throughout. Currently the width varies in locations.

Mr. Folta opened the hearing to the public and no one came forward.

MOTION: Mr. Ippolito made the motion to close the public hearing portion; seconded by Mr. Sheehan and the motion carried 4-0.

MOTION: Mr. Deackoff made the motion to approve Notice of Intent, Town of Tewksbury, East Street (Railroad tracks to Jill's Way) DEP #305-954, standard order of conditions; seconded by Mr. Ippolito and the motion carried 4-0.

F) Notice of Intent, Town of Tewksbury, Town wide, DEP #305-955

Present was Brian Gilbert, Superintendant of Public Works. Mr. Gilbert explained that this project is with respect to sewer manhole repairs. Mr. Folta asked if these are part of the original sewer contracts. Mr. Gilbert explained that the areas are mostly in the older parts of town. The purpose is to eliminate inflow and infiltration into the sewer manholes. Approximately two years ago, an assessment of the sewer sub basins in town was done and those with the highest inflow and infiltration were looked at. The inspections were done at night time to identify where the most flow is coming from at night when there really should not be any flow at all. A camera inspection was also done to check the manholes to see if they were taking on water through leaks in the manhole. There are three areas in town that are receiving the highest flow: Andover Street, East Street and Burnham Road. Many of these manholes were constructed in cross country routes, wetland areas, low land areas, etc. and have deteriorated over time. Mr. Gilbert explained that the original plan was to do a three year program under a blanket Order. However, this has now changed and the locations will be identified and the abutters will be notified and allowed to express themselves in a public hearing forum. The project will now be done on a case by case basis. The first section to be addressed will be at Andover Street and Deering Drive as this has the highest I&I. The area is within the Andover Street sub basin. The work would include one or more of the following items: installation of a water tight sewer manhole frame and cover, re-gasketing and re-bolting the water tight sewer manhole covers, raising the elevation of the rim, installation of concrete rings or brick and mortar risers, drilling and pressure grouting the active leaks within the manhole, etc. Mr. Folta suggested phasing the projects to include all of these items and calling it Phase I.

Mr. Boyd will look into having one DEP number for the different phases of the project.

Mr. Deackoff asked if the abutters in the Andover Street area have been notified. Mr. Gilbert confirmed this.

Mr. Folta opened the hearing to the public and no one came forward to comment.

MOTION: Mr. Ippolito made the motion to close the public hearing portion; seconded by Mr. Sheehan and the motion carried 4-0.

MOTION: Mr. Deackoff made the motion to approve the notice of intent, Town of Tewksbury, for Phase I of the project (Andover Street at Deering Drive); seconded by Mr. Ippolito and the motion carried 4-0.

Mr. George Rost of 1074 East Street came forward and noted that he missed the explanation of the East Street project. Mr. Gilbert explained the project again. Mr. Rost expressed concerns with the culvert in front of his home. Mr. Gilbert offered to review the plans with Mr. Rost and address his concerns with the culvert.

New Business

There was no new business.

Old Business

There was no old business.

Administrator's Report

None

Adjournment

MOTION: Mr. Ippolito made the motion to adjourn; seconded by Mr. Sheehan and the motion unanimously carried 4-0.

Respectfully submitted,

Approved: 
Sean Czarniecki, Clerk

7/22/13
Date